

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 CCO-00 /026 W

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FM USDEL SECRETARY IN LONDON

TO SECSTATE WASHDC IMMEDIATE

C O N F I D E N T I A L SECTO 26013 SECTION 01 OF 03

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EXDIS

FOR S/P VELIOTES FROM LORD

E.O. 11652: GDS

TAGS: OVIP (KISSINGER, HENRY A.): PFOR: UK

SUBJECT: LOS MESSAGES FOR FOREIGN MINISTERS

1. FOLLOWING IS THE REVISED TEXT OF THE SECRETARY'S MESSAGE TO FOREIGN MINISTERS BASED ON THE DRAFT YOU GAVE ME. YOU SHOULD WORK WITH MAW, KATZ, AND BREWSTER AS APPROPRIATE AND GET THESE MESSAGES OUT SATURDAY, WITH APPROPRIATE TAILORING FOR INDIVIDUAL COUNTRIES. THE SECRETARY AND I HAVE DONE SOME EDITING WHICH SHOULD BE CAREFULLY CHECKED. IR PARTICULAR PLEASE MAKE SURE THAT OUR NEW LANGUAGE ON THE ECONOMIC ZONE AND HIGH SEAS IS ACCURATE AND WOULD BE AGREEABLE TO DEFENSE. YOU NEED NOT CHECK BACK WITH US BUT WOULD APPRECIATE A DROP COPY OF ONE OF THE MESSAGES AS A SAMPLE.

2. THE SECRETARY WANTS TO MAKE SURE THAT DEFENSE IS FULLY ABOARD WITH ANYTHING THAT WE DO IN NEW YORK WITH RESPECT TO COMMITTEE II ON THE HIGH SEAS QUESTION. PLEASE TELL MAW TO INSTRUCT LEARSON TO THIS EFFECT.

3. BEGIN TEXT

DEAR (APPROPRIATE TITLE)

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I HAVE JUST RETURNED FROM VISITING THE LAW OF THE

SEA CONFERENCE IN NEW YORK. IN KEEPING WITH MY EARLIER MESSAGES TO YOU I WISH TO REPORT ON THE RESULTS OF MY DISCUSSIONS AND EFFORTS TO ENSURE PROGRESS DURING THIS SESSION. DURING MY VISIT I HAD DISCUSSIONS WITH THE CONFERENCE PRESIDENT AMBASSADOR SHIRLEY AMERASINGHE AND A REPRESENTATIVE GROUP OF DELEGATIONS (INCLUDING YOUR OWN) AS WELL AS INFORMAL CONTACT WITH A LARGER NUMBER OF DELEGATES.

WITH THE NEGOTIATIONS SEEMINGLY AT AN IMPASSE OVER A VARIETY OF ISSUES, THE MAIN PURPOSE OF MY EFFORTS WAS TO START A PROCESS OF SERIOUS AND NON-IDEOLOGICAL NEGOTIATIONS WHICH WOULD RESOLVE THESE ISSUES OR NARROW SOME OF THE KEY OUTSTANDING DIFFERENCES. THERE IS A VERY GREAT DANGER THAT UNLESS SOME SIGNIFICANT MOVEMENT IS SHOWN DURING THIS SESSION IN ITS REMAINING TWO WEEKS, A SENSE OF PESSIMISM AND HOPELESSNESS WILL LEAD TO A
AS APPROPRIATE -
TOTAL BREAKDOWN AND INCREASING UNILATERAL ACTS.

TO AVOID THIS AND TO CONTRIBUTE TOWARDS THE NECESSARY MUTUAL BRIDGING OF POSITIONS I SUGGESTED A PACKAGE SOLUTION TO BREAK THE DEADLOCK IN THE NEGOTIATIONS REGARDING DEEP SEABED MINING FOR HARD MINERALS. THE ELEMENTS OF THIS PACKAGE TRY TO MEET THE LEGITIMATE CONCERNS OF ALL SIDES IN THE NEGOTIATIONS. WITHIN THE CONTEXT OF AN OVERALL SATISFACTORY SOLUTION TO THE PROBLEM OF THE DECISION-MAKING MECHANISM OF THE SEABED AUTHORITY, THE UNITED STATES IS WILLING TO AGREE TO GET THE PROPOSED ENTERPRISE INTO BUSINESS DURING THE SAME TIMEFRAME AS MINERS FROM INDIVIDUAL NATIONS UNDER AN ASSURED ACCESS SYSTEM. THE KEY TO ESTABLISHING THE ENTERPRISE EFFECTIVELY IS TO PROVIDE FOR ADEQUATE FUNDING. IN ADDITION, WE ARE PREPARED TO ACCEPT A REVIEW-MECHANISM, PERHAPS AFTER 25 YEARS, FOR THOSE PARTS OF THE COMMITTEE I TEXT APPLICABLE TO SEABED MINING. THE PURPOSE OF THOSE TWO PROPOSALS IS FIRST TO TAKE ACCOUNT OF THE CONCERN OF DEVELOPING COUNTRIES THAT THE FORMATION OF THE ENTERPRIS WILL BE AN EMPTY GESTURE IN THE ABSENCE OF ADEQUATE FIN-

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FM USDEL SECRETARY IN LONDON

TO SECSTATE WASHDC IMMEDIATE

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FOR S/P VELIOTES FROM LORD

ANCING; AND SECOND TO MAKE IT CLEAR THATWHAT IS AGREED
UPON IN THE CURRENT NEGOTIATIONS WILL NOT BE FIXED IM-
MUTABLY FOREVER.

UNLESS THE RESPONSE FROM OTHER COUN-
TRIES IS IN KEEPING WITH THE SPIRIT OF THIS EFFORT, IT
IS LIKELY THAT IT WILL BE DIFFICULT FOR MY GOVERNMENT
TO CONCLUDE THAT THE LOS NEGOTIATIONS CAN SUCCEED AT
ALL. I WOULD THEREFORE ASK THAT YOUR GOVERNMENT MAKE A
SPECIAL EFFORT TO MOVE TOWARDS A MUTUAL ACCOMMODATION
OF INTERESTS. WITH THE EYES OF THE WORLD ON THIS CON-
FERENCE IT IS CRUCIAL THAT WE END THIS SESSION ON A
POSITIVE NOTE AND A SENSE THAT A FINAL TREATY ACCEPTABLE
TO ALL MAJOR GROUPS CAN BE DRAWN UP AT THE NEXT SESSION
NEXT YEAR.

WITH RESPECT TO THE DIFFICULT PROBLEMS IN COMMIT-
TEE II (ECONOMIC ZONE) AND COMMITTEE III (SCIENTIFIC
RESEARCH) I BELIEVE THAT WITH GOODWILL ON BOTH SIDES THE
OUTSTANDING DIFFERENCES CAN BE BRIDGED. IT SEEMS CLEAR
THAT PART OF THE PROBLEM HAS BEEN THAT DISCUSSIONS ON
THESE ISSUES HAVE BEEN REDUCED TO IDEOLOGICAL DEBATES;
THERE HAVE NOT BEEN ENOUGH EFFORTS TO COME FORWARD WITH
NEW OR IMAGINATIVE SOLUTIONS WHICH WILL PROVIDE THE
RIGHT BALANCE BETWEEN THE RIGHTS OF THE COASTAL STATES
IN THE ECONOMIC ZONE AND THE RIGHTS OF THE INTERNATIONAL
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COMMUNITY. THE BASIC ISSUE IS THAT SOME STATES BELIEVE

THAT THE ECONOMIC ZONE SHOULD BE HIGH SEAS STATUS WHILE OTHERS WANT TO DEFINE THE ZONE IN WAYS THAT COME CLOSE TO MAKING IT TERRITORIAL SEAS. THE UNITED STATES CANNOT ACCEPT THE LATTER. THEREFORE WE ARE SUGGESTING A COMPROMISE TO THE EFFECT THAT THOSE RIGHTS NOT SPECIFICALLY SET ASIDE FOR THE COASTAL STATES IN THE ECONOMIC ZONE BE EXERCISED AS HIGH SEA RIGHTS WITHIN THE ECONOMIC ZONE.

ON SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE, WE CONTINUE TO BELIEVE THAT SUCH RESEARCH MUST BE PROTECTED FOR THE LONG TERM COMMON GOOD OF MANKIND. WE HAVE SET FORTH AS A REASONABLE COMPROMISE COASTAL STATE CONSENT WITH RESPECT TO SCIENTIFIC RESEARCH DIRECTLY RELATED TO RESOURCES. WE BELIEVE THAT THERE SHOULD BE AGREEMENT THAT OTHER SCIENTIFIC RESEARCH WOULD BE PERMITTED, SUBJECT ONLY TO CERTAIN SPECIFIED AND LEGITIMATE OBLIGATIONS ON THE PART OF THE RESEARCHING STATE TOWARD THE COASTAL STATE, SUCH AS NOTIFICATIONS, OPPORTUNITY TO PARTICIPATE AND PROVIDING OF DATA. WITHIN THIS CONTEXT CERTAINLY A REASONABLE SOLUTION CAN BE FOUND TO BOTH PROBLEMS AT THIS SESSION.

THERE ARE OTHER IMPORTANT ITEMS ON THE CONFERENCE AGENDA SUCH AS DISPUTE SETTLEMENT, WHICH IS CRITICAL TO PRESERVING THE UNDERLYING ACCOMMODATIONS REACHED. IN ADDITION, WE MUST ACCOMMODATE THE INTERESTS OF LAND-LOCKED AND OTHER DISADVANTAGED STATES AND SETTLE THE QUESTION OF JURISDICTION OVER THE RESOURCES OF THE CONTINENTAL MARGIN WHERE IT EXTENDS BEYOND 200 MILES.

RESOLUTION OF THESE ISSUES AT THIS SESSION WOULD BE

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